

REMARKS

The present application was filed on January 26, 2004 with claims 1-3. Claim 2 has been canceled without prejudice and claims 1 and 3 remain pending. Claim 1 is an independent claim.

In the outstanding Final Office Action dated February 2, 2007, the Examiner: (i) rejected claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,844,530 to Tosaki (hereinafter "Tosaki").

With regard to the rejection of claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Tosaki, Applicants respectfully assert that Tosaki fails to teach or suggest each and every element respectively recited in claims 1 and 3.

Independent claim 1 recites a compact head mounted virtual image display unit that comprises a microdisplay and an optical system for directing an image signal for viewing by a user. The image signal is generated in accordance with the microdisplay. The unit further comprises an optical system mounting structure for supporting the optical system within the field of view of one eye of the user, a housing to substantially contain at least the optical system, and a slidable light shield integrated within the housing and having an open position and a closed position. The light shield is slidably positioned with respect to the optical system such that, in the open position, the image signal is viewed by the user with background light entering the optical system, and in the closed position, the image signal is viewed by the user with background light at least partially blocked from entering the optical system.

Examiner argues that Tosaki teaches a slidable light shield integrated within the housing. Applicants respectfully disagree. Examiner relies on the idea that the housing in Tosaki is composed of 10, 69, and 80 (FIG. 1 & FIG. 3 of Tosaki). Applicants respectfully assert that this interpretation is incorrect because Tosaki describes 10 as a frame, 80 as a visor, and 69 as the housing (col. 7, lns. 59-60; col. 8, lns. 22-30 of Tosaki). Further, Examiner concedes that "the 'light shield' is interpreted as element 80." (Final Office Action, pg. 3, para. 1). It follows that Tosaki fails to teach a slidable light shield integrated within the housing because, visor 80 is not within housing 69 (FIG. 4 of Tosaki).

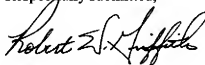
Examiner also argues that Tosaki teaches a light shield, such that in the open position, the

image signal is viewed by the user with background light entering the optical system. Examiner cites col. 7, lns. 45-67; col. 8, lns. 1-4 of Tosaki. Applicants respectfully disagree and assert that Tosaki teaches a display system that shuts off when the visor is in the open position (col. 11, lns. 20-30; col. 16, lns. 6-32 of Tosaki). Tosaki discloses that when the visor 80 is opened, a switch is engaged which in turn “stops the images from being projected on the display device 2.” (col. 16, lns. 22-32 of Tosaki). The assertion is further supported by the fact that Tosaki teaches that the game or image must be stopped or paused when the visor 80 is in the open position (col. 16, lns. 30-38). Therefore, Tosaki fails to teach a light shield, such that in the open position, the image signal is viewed by the user with background light entering the optical system.

For at least these reasons, independent claim 1 is not anticipated by Tosaki. It follows that dependent claim 3 is patentable at least by virtue of its dependency on independent claim 1, and also recites patentable subject matter in its own right. Accordingly, withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. §102(b) is therefore respectfully requested.

In view of the above, Applicant believes that claims 1 and 3 are in condition for allowance, and respectfully requests withdrawal of the §102(b) rejection.

Respectfully submitted,



Robert W. Griffith  
Attorney for Applicant(s)  
Reg. No. 48,956  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-4547

Date: March 27, 2007